

ASSEMBLY BILL

No. 1808

Introduced by Assembly Member Wood

February 8, 2016

An act to amend Section 6924 of the Family Code, and to amend Section 124260 of the Health and Safety Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1808, as introduced, Wood. Minors: mental health services.

Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling services on an outpatient basis, or to residential shelter services, under certain circumstances, where those services are provided by any one of specified professionals, including a marriage and family therapist, a marriage and family therapist intern, a professional clinical counselor, and a clinical counselor intern.

This bill would additionally authorize a marriage and family therapist trainee and a clinical counselor trainee, while working under the supervision of certain licensed professionals, to provide those services. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6924 of the Family Code is amended to
- 2 read:
- 3 6924. (a) As used in this section:

- 1 (1) “Mental health treatment or counseling services” means the
2 provision of mental health treatment or counseling on an outpatient
3 basis by any of the following:
- 4 (A) A governmental agency.
 - 5 (B) A person or agency having a contract with a governmental
6 agency to provide the services.
 - 7 (C) An agency that receives funding from community united
8 funds.
 - 9 (D) A runaway house or crisis resolution center.
 - 10 (E) A professional person, as defined in paragraph (2).
- 11 (2) “Professional person” means any of the following:
- 12 (A) A person designated as a mental health professional in
13 Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of
14 Chapter 1 of Title 9 of the California Code of Regulations.
 - 15 (B) A marriage and family therapist as defined in Chapter 13
16 (commencing with Section 4980) of Division 2 of the Business
17 and Professions Code.
 - 18 (C) A licensed educational psychologist as defined in ~~Article 5~~
19 ~~Chapter 13.5~~ (commencing with Section ~~4986~~) of ~~Chapter 13~~
20 ~~4989.10~~) of Division 2 of the Business and Professions Code.
 - 21 (D) A credentialed school psychologist as described in Section
22 49424 of the Education Code.
 - 23 (E) A clinical psychologist as defined in Section 1316.5 of the
24 Health and Safety Code.
 - 25 (F) The chief administrator of an agency referred to in paragraph
26 (1) or (3).
 - 27 (G) A person registered as a marriage and family therapist intern,
28 *or a marriage and family therapist trainee*, as defined in Chapter
29 13 (commencing with Section 4980) of Division 2 of the Business
30 and Professions Code, while working under the supervision of a
31 licensed professional specified in subdivision (g) of Section
32 4980.03 of the Business and Professions Code.
 - 33 (H) A licensed professional clinical counselor, as defined in
34 Chapter 16 (commencing with Section 4999.10) of Division 2 of
35 the Business and Professions Code.
 - 36 (I) A person registered as a clinical counselor intern, *or a clinical*
37 *counselor trainee*, as defined in Chapter 16 (commencing with
38 Section 4999.10) of Division 2 of the Business and Professions
39 Code, while working under the supervision of a licensed

1 professional specified in subdivision (h) of Section 4999.12 of the
2 Business and Professions Code.

3 (3) “Residential shelter services” means any of the following:

4 (A) The provision of residential and other support services to
5 minors on a temporary or emergency basis in a facility that services
6 only minors by a governmental agency, a person or agency having
7 a contract with a governmental agency to provide these services,
8 an agency that receives funding from community funds, or a
9 licensed community care facility or crisis resolution center.

10 (B) The provision of other support services on a temporary or
11 emergency basis by any professional person as defined in paragraph
12 (2).

13 (b) A minor who is 12 years of age or older may consent to
14 mental health treatment or counseling on an outpatient basis, or
15 to residential shelter services, if both of the following requirements
16 are satisfied:

17 (1) The minor, in the opinion of the attending professional
18 person, is mature enough to participate intelligently in the
19 outpatient services or residential shelter services.

20 (2) The minor (A) would present a danger of serious physical
21 or mental harm to self or to others without the mental health
22 treatment or counseling or residential shelter services, or (B) is
23 the alleged victim of incest or child abuse.

24 (c) A professional person offering residential shelter services,
25 whether as an individual or as a representative of an entity specified
26 in paragraph (3) of subdivision (a), shall make his or her best
27 efforts to notify the parent or guardian of the provision of services.

28 (d) The mental health treatment or counseling of a minor
29 authorized by this section shall include involvement of the minor’s
30 parent or guardian unless, in the opinion of the professional person
31 who is treating or counseling the minor, the involvement would
32 be inappropriate. The professional person who is treating or
33 counseling the minor shall state in the client record whether and
34 when the person attempted to contact the minor’s parent or
35 guardian, and whether the attempt to contact was successful or
36 unsuccessful, or the reason why, in the professional person’s
37 opinion, it would be inappropriate to contact the minor’s parent
38 or guardian.

39 (e) The minor’s parents or guardian are not liable for payment
40 for mental health treatment or counseling services provided

1 pursuant to this section unless the parent or guardian participates
 2 in the mental health treatment or counseling, and then only for
 3 services rendered with the participation of the parent or guardian.
 4 The minor’s parents or guardian are not liable for payment for any
 5 residential shelter services provided pursuant to this section unless
 6 the parent or guardian consented to the provision of those services.

7 (f) This section does not authorize a minor to receive convulsive
 8 ~~therapy~~ *treatment* or psychosurgery as defined in subdivisions (f)
 9 and (g) of Section 5325 of the Welfare and Institutions Code, or
 10 psychotropic drugs without the consent of the minor’s parent or
 11 guardian.

12 SEC. 2. Section 124260 of the Health and Safety Code is
 13 amended to read:

14 124260. (a) As used in this section:

15 (1) “Mental health treatment or counseling services” means the
 16 provision of outpatient mental health treatment or counseling by
 17 a professional person, as defined in paragraph (2).

18 (2) “Professional person” means any of the following:

19 (A) A person designated as a mental health professional in
 20 Sections 622 to 626, inclusive, of Title 9 of the California Code
 21 of Regulations.

22 (B) A marriage and family therapist, as defined in Chapter 13
 23 (commencing with Section 4980) of Division 2 of the Business
 24 and Professions Code.

25 (C) A licensed educational psychologist, as defined in Chapter
 26 13.5 (commencing with Section 4989.10) of Division 2 of the
 27 Business and Professions Code.

28 (D) A credentialed school psychologist, as described in Section
 29 49424 of the Education Code.

30 (E) A clinical psychologist, as defined in Section 1316.5 of the
 31 Health and Safety Code.

32 (F) A licensed clinical social worker, as defined in Chapter 14
 33 (commencing with Section 4991) of Division 2 of the Business
 34 and Professions Code.

35 (G) A person registered as a marriage and family therapist intern,
 36 *or a marriage and family therapist trainee*, as defined in Chapter
 37 13 (commencing with Section 4980) of Division 2 of the Business
 38 and Professions Code, while working under the supervision of a
 39 licensed professional specified in subdivision (g) of Section
 40 4980.03 of the Business and Professions Code.

1 (H) A board certified, or board eligible, psychiatrist.

2 (I) A licensed professional clinical counselor, as defined in
3 Chapter 16 (commencing with Section 4999.10) of Division 2 of
4 the Business and Professions Code.

5 (J) A person registered as a clinical counselor intern, *or a*
6 *clinical counselor trainee*, as defined in Chapter 16 (commencing
7 with Section 4999.10) of Division 2 of the Business and
8 Professions Code, while working under the supervision of a
9 licensed professional specified in subdivision (h) of Section
10 4999.12 of the Business and Professions Code.

11 (b) Notwithstanding any provision of law to the contrary, a
12 minor who is 12 years of age or older may consent to mental health
13 treatment or counseling services if, in the opinion of the attending
14 professional person, the minor is mature enough to participate
15 intelligently in the mental health treatment or counseling services.

16 (c) Notwithstanding any provision of law to the contrary, the
17 mental health treatment or counseling of a minor authorized by
18 this section shall include involvement of the minor's parent or
19 guardian, unless the professional person who is treating or
20 counseling the minor, after consulting with the minor, determines
21 that the involvement would be inappropriate. The professional
22 person who is treating or counseling the minor shall state in the
23 client record whether and when the person attempted to contact
24 the minor's parent or guardian, and whether the attempt to contact
25 was successful or unsuccessful, or the reason why, in the
26 professional person's opinion, it would be inappropriate to contact
27 the minor's parent or guardian.

28 (d) The minor's parent or guardian is not liable for payment for
29 mental health treatment or counseling services provided pursuant
30 to this section unless the parent or guardian participates in the
31 mental health treatment or counseling, and then only for services
32 rendered with the participation of the parent or guardian.

33 (e) This section does not authorize a minor to receive convulsive
34 ~~therapy~~ *treatment* or psychosurgery, as defined in subdivisions (f)
35 and (g) of Section 5325 of the Welfare and Institutions Code, or
36 psychotropic drugs without the consent of the minor's parent or
37 guardian.

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